



CITY OF HAYWARD AGENDA REPORT

Meeting Date 4/13/06
Agenda Item 3

TO: Planning Commission

FROM: Tim R. Koonze, Assistant Planner

SUBJECT: **Variance No. PL-2005-0413– Sneh Lata (Applicant/Owner)** – Request for a Variance to Parking and Circulation Setbacks to the Side Property Lines and the Existing Building Associated with a Single-Family House being Converted to an Office Building

The Property is Located at 24602 Mission Boulevard within a General Commercial Zoning District and the Mission Corridor Special Design District (CG-SD-2)

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15305, Class 5, Minor Alterations in Land Use Limitations.
2. Approve the requested variance application subject to the attached findings and conditions of approval.

DISCUSSION:

The property is located on the east side of Mission Boulevard between Highland Boulevard and Palisade Street. The site is a rectangular through-lot with frontages on Mission Boulevard at the front and Sybil Avenue at the rear. There is a non-conforming residence on the property that would be renovated into an office building. The large shed at the rear of the property would be removed. A one-way driveway and parking lot would be installed to accommodate the required parking for the proposed office use. Landscaping would be installed throughout the property.

The residence would be renovated into 1,000-square-feet of general office space. The exterior of the building would be modified to reflect a Spanish design to meet the requirements of the Mission Corridor Special Design District. These changes would include a barrel tile roof, stucco siding, and a wrap-around porch with exposed beams and arches.

Site Design

A four-car parking lot is proposed behind the building to provide parking for the office use. The parking includes a van accessible handicap stall and three standard stalls. The parking lot would be served by a 10-foot-wide one-way driveway entering from Mission Boulevard and exiting onto Sybil Avenue. The number of parking stalls and the parking and circulation design comply with the City's Off-Street Parking Regulations.

Variance

The Zoning Ordinance requires parking and circulation areas to be setback 5 feet from buildings and property lines. These setback areas must be landscaped. The proposed design meets front and rear setbacks; however side yard setbacks are less than 5 feet in most cases. The narrow lot width and the location of the existing building make it impossible to meet the side yard setback requirements.

The role of the Planning Commission is to determine whether the variance is contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship. In addition, all three of the following findings must be made:

- There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.
- Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification.
- The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Staff is supporting the variance request due to the narrow lot width and location of the existing building. A side yard variance is inevitable when providing perpendicular parking on a 47-foot-wide parcel. If angled parking were used only three parking stalls could be provided without a variance.

Three other parcels within the same block and of similar lot size have been granted similar variances; therefore, strict application of the Zoning Ordinance would deprive the applicant of privileges enjoyed by others. Granting this variance would not grant a special privilege as other properties in the area have been approved with similar setbacks.

Environmental Review

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, Class 5, Minor Alterations of Land Use Limitations.

Public Notice

On, August 11, 2005, a notice of the variance request was mailed to all property owners and tenants within 300 feet of the subject property and to all interested parties. One response was received with a concern that Sybil Avenue street parking is already heavily impacted and the approval of another lot accessing Sybil Avenue would intensify the situation.

Single-family homes are located on the east side of Sybil Avenue and commercial uses are located on the west side. The east side of the street is improved with curb, gutter and sidewalk while the west side, with exception of the two most southerly lots, remains unimproved. Although there are usually a number of cars parked on the street it is hard to tell whether these cars are associated with the residential use or the commercial use. The applicant would provide adequate on-site parking so there should be little or no impact to the parking on Sybil Avenue.

On March 31, 2006, a Notice of Public Hearing for the Planning Commission meeting was mailed. There have been no responses as a result of the notice.

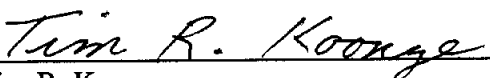
Conclusion

It is staff's opinion that adequate parking cannot be installed on this narrow property without a variance. The narrow property and building location are special circumstances. There have been other similar variances granted on nearby properties that have approximately the same lot size. Granting this variance would not grant a special privilege as other properties in the area have been approved with similar setbacks.

The project would provide adequate on-site parking for the intended office use. There should be little or no impact to the street parking on Sybil Avenue. The building would be renovated to express a Spanish design as required by the Mission Corridor Special Design District.

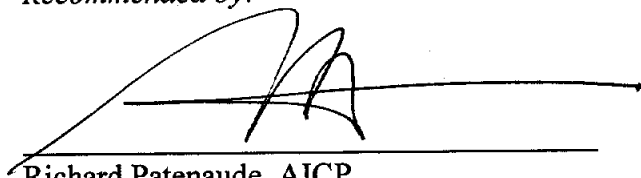
For these reasons staff recommends that the Planning Commission approve this project.

Prepared by:



Tim R. Koonze
Assistant Planner

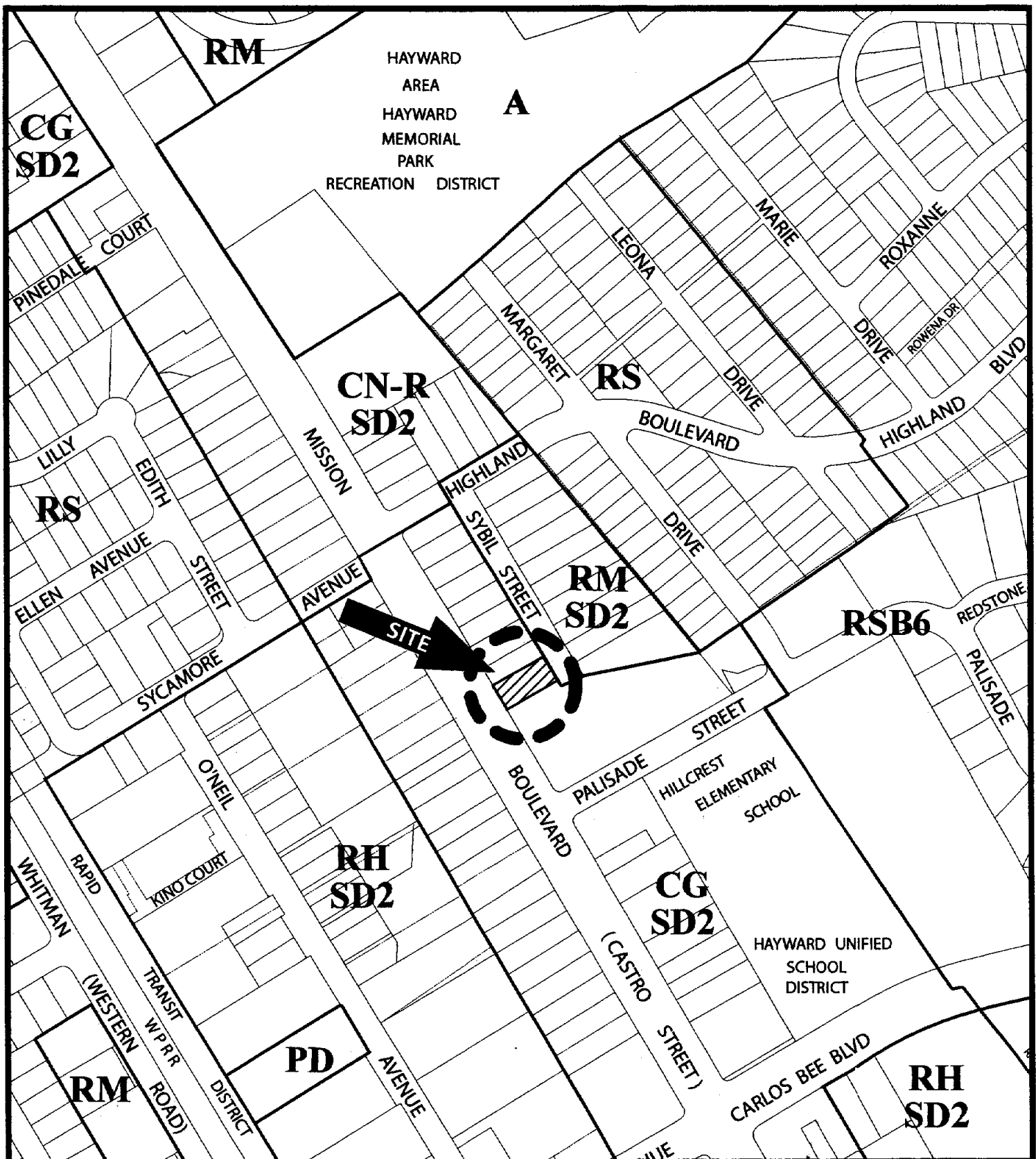
Recommended by:

A handwritten signature in black ink, appearing to be 'RP', is written over a horizontal line.

Richard Patenaude, AICP
Principal Planner

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Conditions of Approval
Plans



Area & Zoning Map

PL-2005-0413 VAR

Address: 24602 Mission Blvd

Applicant: Trung Dang

Owner: Sneh Lata

A - Agricultural

CN-R - Neighborhood Commercial-Residential

PD - Planned Development

RH - High Density Residential, Min lot size 1250 sq ft

RM - Medium Density Residential, Min. lot size 2500 sq ft

RMB6 - Medium Density Residential, Min lot size 6000 sq ft

RS - Single-Family Residential, Min. lot size 2500 sq ft

SD2 - Mission Corridor Special Design District



FINDINGS FOR APPROVAL

Variance No. PL-2005-0413

Sneh Lata (Applicant/Owner)
24602 Mission Boulevard

April 13, 2006

- A. The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, Class 5, Minor Alteration in Land Use Limitations.
- B. The 47-foot-wide parcel and existing building create special circumstances in that, in order to provide the on-site parking as required by the City's Off-Street Parking Regulations, a variance to the side yard setbacks and setbacks to the existing building would be required.
- C. Strict application of the Zoning Ordinance would deprive such property of privileges enjoyed by other properties in the vicinity under the same zoning classification in that three other parcels on the same block and of similar size have been granted similar variances and without a variance sufficient on-site parking could not be provided.
- D. The granting of a variance would not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated in that the zoning ordinance makes provisions for driveways on residentially zoned narrow lots, 51 feet wide or less, to be 3 feet from a side property line, instead of 5 feet and 2 feet from an existing building instead of 5 feet. Although this lot is commercially zoned and these provisions are not directly applicable in this case, it is clear that there are similar special circumstances for narrow parcels or parcels with existing buildings.

CONDITIONS OF APPROVAL

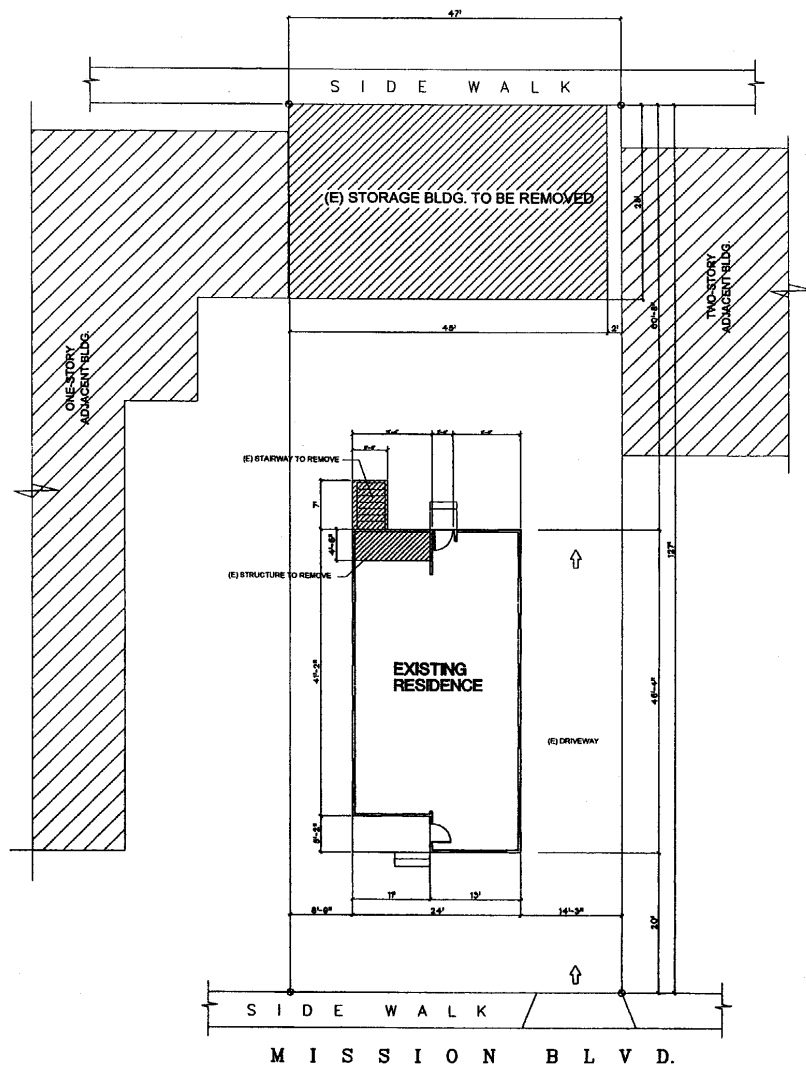
Variance No. PL-2005-0413

24602 Mission Boulevard

Sneh Lata (Applicant/Owner)

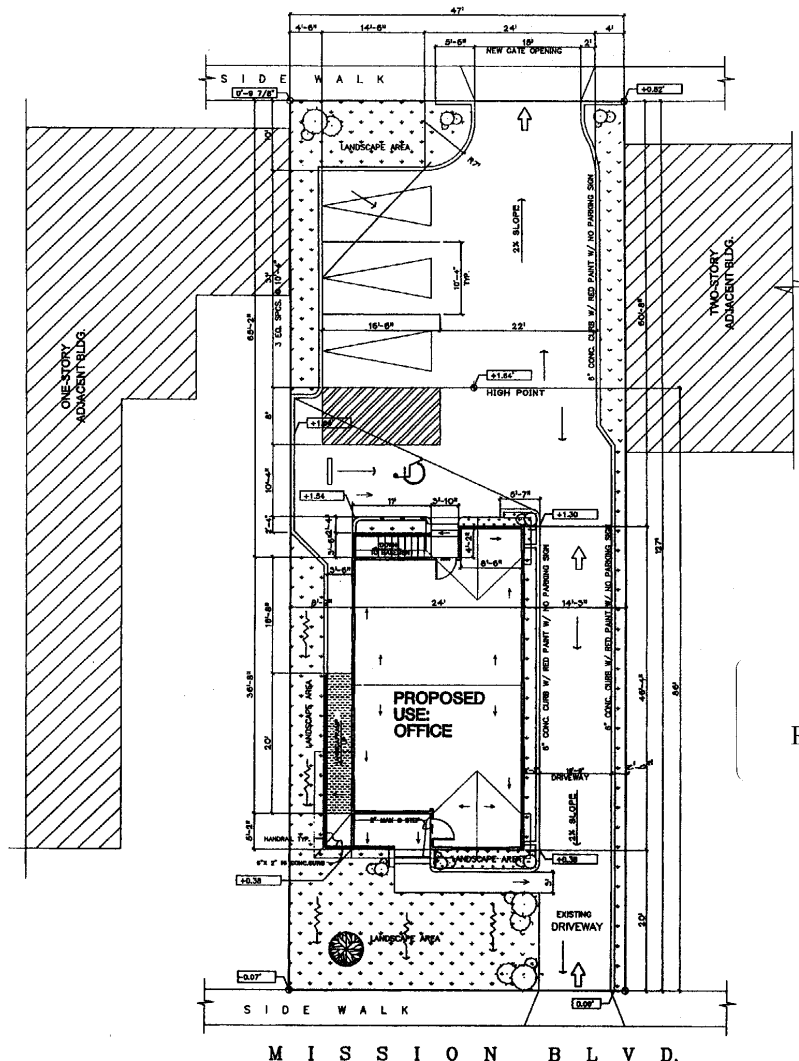
1. Use Permit Application No. PL-2005-0413 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time the improvements required by the conditions of have been installed, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to the above date.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. Prior to issuance of a building permit a grading and drainage plan shall be submitted that meets the approval of the Planning Director. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff.
5. Prior to issuance of a building permit a landscape and irrigation plan shall be submitted. The design shall be subject to the approval of the City Landscape Architect.
6. Prior to connection of utilities all improvements required by the conditions of approval shall be installed and approved by City of Hayward inspectors.
7. Prior to any work performed on Mission Boulevard the applicant shall obtain a permit from the State of California Department of Transportation (Caltrans). Encroachment permits shall be obtained from the City of Hayward prior to any work performed within the Mission Boulevard and Sybil Street rights-of-way.
8. The property owner shall maintain in good repair the building, paved areas, including any lighting for the parking and circulation area. The premises shall be kept clean and free of graffiti. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.

9. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
10. Violation of these conditions is cause for revocation of the use permit after a public hearing before the duly authorized review body.



SITE PLAN: EXISTING

SCALE: 1/8" = 1'-0"



SITE PLAN: PROPOSED

SCALE: 1/8" = 1'-0"

REVISION		
NO.	DATE	BY
1	4-5-2006	PLANNING
2		
3		
4		



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FAX: 408-285-0373
muperv@charlottedesign.com



Thayne R. Muperv

Project No.
PL-2005-0413 VAR

**CONVERSION
&
RENOVATION
AT**

**14575 MISSION BLVD
Hayward - California**

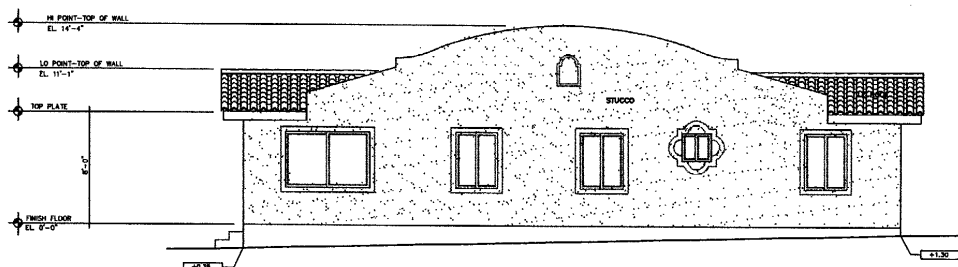
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SHEET TITLE:	
SITE PLANS EXISTING & PROPOSED	
SCALE:	1/8" = 1'-0"
SHEET NO.:	

REVISION		
NO.	DATE	BY
1	4-5-2006	PLANNING
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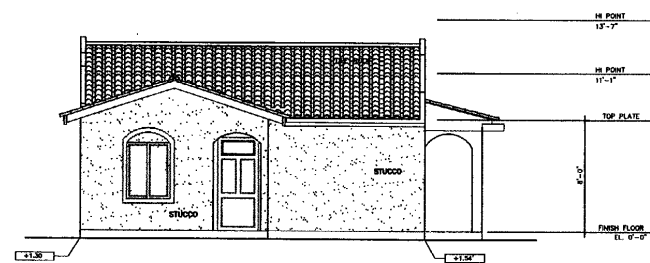
ARCHITECTURE
PLANNING
INTERIORS

3888 GLENROVE WAY
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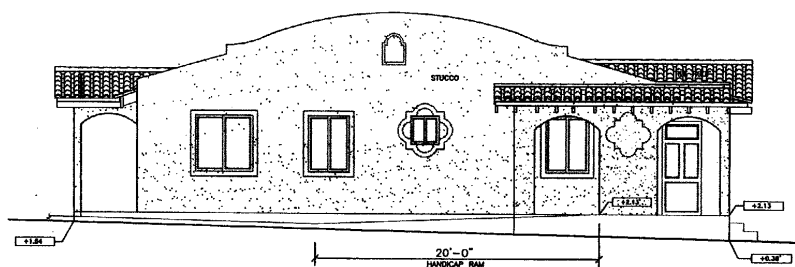
RIGHT ELEVATION

SCALE : 1/4" = 1'-0"



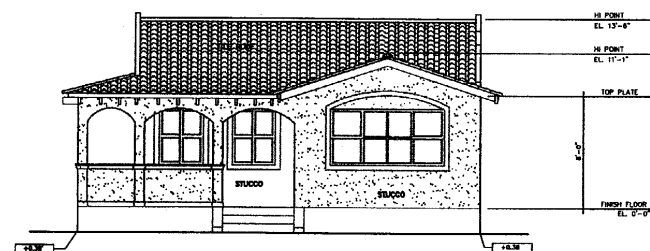
REAR ELEVATION

SCALE : 1/4" = 1'-0"



LEFT ELEVATION

SCALE : 1/4" = 1'-0"



FRONT ELEVATION

SCALE : 1/4" = 1'-0"

**CONVERSION
&
RENOVATION
AT**

**14575 MISSION BLVD
Hayward - California**

DATE :
PROJECT NO.:
SHEET TITLE :
ELEVATIONS
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A.2